

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DENNIS RUSSELL HOOPER,

Plaintiff,

Civ. No. 11-3141-CL

**ORDER**

v.

CASCADE MANAGEMENT d/b/a  
SOUTHERN OREGON AFFORDABLE  
RENTALS, INC.,

Defendant.

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**PANNER, J.**

*Pro Se* plaintiff moves for a Temporary Restraining Order prohibiting defendant from initiating eviction proceedings. The Ninth Circuit has described the standards for deciding whether to grant a motion for a preliminary injunction:

To obtain a preliminary injunction, the moving party must show either (1) a combination of probable success on the merits and the possibility of irreparable injury, or (2) that serious questions are raised and the balance of hardships tips sharply in its favor. These formulations are not different tests but



represent two points on a sliding scale in which the degree of irreparable harm increases as the probability of success on the merits decreases. Under either formulation, the moving party must demonstrate a significant threat of irreparable injury, irrespective of the magnitude of the injury.

Big Country Foods, Inc. v. Bd. of Educ. of Anchorage Sch. Dist., 868 F.2d 1085, 1088 (9th Cir. 1989) (citations omitted). The speculative risk of a possible injury is not enough; the threatened harm must be imminent. Caribbean Marine Services Co., Inc. v. Baldrige, 844 F.2d 668, 674 (9th Cir. 1988); Fed. R. Civ. Proc. 65(b)(1)(A). The standards for issuing a temporary restraining order are similar to those required for a preliminary injunction. Lockheed Missile & Space Co., Inc. v. Hughes Aircraft Co., 887 F.Supp. 1320, 1323 (N.D. Ca. 1995).

Plaintiff fails to demonstrate a threat of imminent harm. Plaintiff states that in November 2011, defendant initiated eviction proceedings that were ultimately unsuccessful. Plaintiff apparently seeks to prevent defendant from initiating future eviction proceedings. Indeed, plaintiff only states he "is under the threat of another eviction slated to commence in December, 2011." (Memo. in Support of TRO, 2.) It is not clear if defendant intends to proceed with future eviction proceedings. Additionally, it is unclear why plaintiff cannot raise the issues he raises in support of his request for a TRO during those future eviction proceedings, should they occur.

Plaintiff's motion for a Temporary Restraining Order (#8) is



DENIED at this time. Because plaintiff has not demonstrated an imminent threat of harm, I do not inquire into the merits of the underlying claims in plaintiff's complaint. Any such inquiry will be conducted by Magistrate Judge Clarke.

IT IS SO ORDERED.

DATED this 8 day of December, 2011.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE

